

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 20/00152/FULL6

**Ward:
Bromley Town**

Address : 49 Forde Avenue, Bromley BR1 3EU

Objections: No

OS Grid Ref: E: 541064 N: 169008

Applicant : Mr Michael Rutherford

Description of Development:

Single storey rear extension and 2.5m long deck with steps and balustrade (retrospective)

Key designations:

Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 13
Smoke Control SCA 12

Proposal

The application seeks retrospective planning permission for a single storey rear extension and 2.5m long deck with steps and balustrade. The extension measures approximately 3.8m in depth along the boundary with No.51 and 2.8m along the boundary with No.47 at a width of 6.0m. The extension measures approximately 3.7m in height at its maximum with four rooflights that project 0.2m. The decking measures approximately 0.6m in height at its maximum with a depth of 2.5m and width of 6.0m.

Location and Key Constraints

The application relates to a three storey mid-terrace dwellinghouse located on the western side of Forde Avenue, Bromley. The property is not listed and does not lie within any area of special designation.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

The application fails to be determined in accordance with the following policies:

London Plan Policies

7.4 Local Character

7.6 Architecture

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

Draft London Plan

D4 Delivering Good Design

D6 Housing Quality and Standards

Bromley Local Plan

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

12/03902/PLUD - Loft conversion with rear dormer window and front rooflights (Certificate of Lawfulness for a Proposed Development) - Proposed use/development is lawful

19/01202/FULL6 - Single storey rear extension and patio - Application Permitted.

Considerations

The main issues to be considered in respect of this application are:

- Resubmission
- Design
- Neighbouring Amenity

Resubmission

The application is a resubmission of reference 19/01202/FULL6 which was granted permission by planning committee on 06.06.2019. As part of the current application raised decking, steps and balustrade have been constructed instead of the approved raised patio and steps. The development was completed in December 2019 and the rear extension was built in accordance with the previous permission. It is therefore left to assess the design and impact on neighbouring amenity of the decking, steps and balustrade.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not

just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The size, scale and bulk of the raised decking, steps and balustrade does not significantly alter the appearance of the host dwelling. The depth and height of the development is subservient to the main dwelling and does not overdevelop the site as a whole. The materials are considered to be complementary and compatible with the application site and developments in the surrounding area. The development is not visible from the street and so does not harm the character of the area or the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the development complements the host property and has not resulted in a detrimental impact upon the spatial standards and visual amenity of the area.

Neighbouring Amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Under application reference 19/01202/FULL6 it was considered that the raised patio and steps would not result in an increased chance of overlooking or loss of privacy over and above that which currently exists. While the decking does not exceed the total height of the approved patio it does continue that total height for a greater depth of approximately 0.7m. The raised decking also has a greater width than the approved patio which brings it closer to neighbouring boundaries. It is noted from the site visit that a high level fence has been added to the boundary with No.47 and that there is well established vegetation along the boundary with No.51 both of which work to reduce any increased chance of overlooking. Taking into account the height, depth and width of the decking, steps and balustrade it is considered that any impact the development may have on neighbouring amenity would not be adverse enough to warrant a refusal of the application.

Having regard to the scale, siting and separation distance of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, privacy and prospect would not arise.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is, on balance, acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application in the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan